

# MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

## Official Minutes

March 8, 2006

### TABLE OF CONTENTS

#### **COMMISSION/DIRECTOR ITEMS**

Closed Meeting -----	3
Approval of Minutes -----	3
Consent Agenda -----	4
Election of Member to Board of Trustees -----	4
Reports of Commission Committees and Commission Related Boards -----	5
Director's Report -----	5

#### **PUBLIC COMMENTS**

Spokesman on Behalf of Carter County to Relay Perceptions of MoDOT -----	6
--	---

#### **MODOT STAFF PRESENTATIONS**

External Awards -----	8
Missouri Advance Planning: A Long-Range Planning Initiative - Update -----	9
Audits and Investigations, 2005 Annual Report -----	11

#### **STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM**

Consideration of Bids on Federal-Aid and State Projects -----	13
Ratification of Approval of Right of Way Plans for Condemnation -----	21
Roadway Location and/or Design Approval -----	22
Barathaven Transportation Development District, Appointment of Advisor and Approval of Project -----	24
Cripple Creek Transportation Development District, Appointment of Advisor and Approval of Project -----	25
The Tuileries Plaza Transportation Development District, Appointment of Advisor and Approval of Project -----	26

#### **BUSINESS ISSUES**

Amendment to Pavement Marking Contract -----	27
Fiscal Year 2006 Financial Audit -----	28

#### **PROPERTY RIGHTS**

Break in Access, Route 141, Jefferson County -----	29
Disposal of Excess Property, Taney County, Route 65 -----	29
Disposal of Excess Property, St. Louis County, Route 61/67 -----	30

**--REPORTS--**

Financial Report – Fiscal Year 2006 .....	31
Fiscal Year 2006 Budget, Semi-Annual Reports .....	31

**MINUTES OF REGULARLY SCHEDULED HIGHWAYS AND  
TRANSPORTATION COMMISSION MEETING HELD IN  
JEFFERSON CITY, MISSOURI, ON WEDNESDAY, MARCH 8, 2006**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission held on Wednesday, March 8, 2006, in Jefferson City, Missouri, was called to order at 9:00 a.m. by Bill McKenna, Chairman. The following Commissioners were present: Marjorie B. Schramm, Vice Chairman, James B. Anderson, Duane S. Michie, Mike Kehoe, and David A. Gach.

The meeting had been called pursuant to Section 226.120 of the 2000 Revised Statutes of Missouri, as amended. The Secretary verified that notice of the meeting was posted in keeping with Section 610.020 of the 2000 Revised Statutes of Missouri, as amended.

\* \* \* \* \*

\* \* \* \* \*

Pete Rahn, Director of the Missouri Department of Transportation, Rich Tiemeyer, Chief Counsel for the Commission, and Mari Ann Winters, Secretary to the Commission, were present on Wednesday, March 8, 2006.

\* \* \* \* \*

*"Department" or "MoDOT" herein refers to Missouri Department of Transportation.  
"Commission" or "MHTC" herein refers to Missouri Highways and Transportation Commission.*

## **CLOSED MEETING**

The agenda of the closed meeting was posted in keeping with Sections 610.020 and 610.022, RSMo., including the following statutory citations allowing the meeting to be closed:

1. Section 610.021(11), (12) – Specifications for competitive bidding, sealed bids, or negotiated contracts.
2. Section 610.021(1) – Legal actions and attorney-client privileged communications.
3. Section 610.021(3), (13) – Personnel administration regarding particular employees.

Immediately prior to closing its meeting, and upon motion duly made and seconded to convene in closed session, the Chairman asked for a voice vote of the members. The vote was as follows:

Commissioner McKenna, Aye  
Commissioner Schramm, Aye  
Commissioner Michie, Aye  
Commissioner Anderson, Aye  
Commissioner Kehoe, Aye  
Commissioner Gach, Aye

whereupon the Commission closed its meeting. The closed meeting adjourned at 9:25 a.m.

\* \* \* \* \*

## **APPROVAL OF MINUTES**

Upon motion by Commissioner Michie, seconded by Commissioner Schramm, the Commission unanimously approved the minutes of meetings held on February 1, 2006 (fax ballot), and February 7, 2006. The Chairman and Secretary to the Commission were authorized and directed to sign and certify said minutes and to file same in the office of the Secretary.

\* \* \* \* \*

## **CONSENT AGENDA**

### **Consent Agenda Process**

In order to make the most efficient use of Commission meeting time and to ensure the Commission members are well informed on issues requiring their action, the staff prepares and submits to the Commission members, in advance of their meeting, internal memoranda consisting of advice, opinions, and recommendations related to the items on the Commission meeting agenda. Those items considered by the staff to be of a routine or noncontroversial nature are placed on a consent agenda. During the meeting, items can be removed from the consent agenda at the request of any one Commission member. The items that are not removed from the consent agenda are approved with a single motion and unanimous vote by a quorum of the members.

Minutes reflecting approval of items on the consent agenda are singly reported herein and intermingled with minutes reflecting action on related subjects that were openly discussed. Reference to "consent agenda" is made in each minute approved via the process described in the paragraph above. Minutes reflecting action on items removed from the consent agenda and openly discussed reflect the open discussion and vote thereon.

### **Consideration of March 8, 2006, Consent Agenda**

Upon motion by Commissioner Schramm, seconded by Commissioner Michie, all items on the consent agenda were unanimously approved.

\* \* \* \* \*

### **ELECTION OF MEMBER TO BOARD OF TRUSTEES, MoDOT AND PATROL EMPLOYEES' RETIREMENT SYSTEM**

Upon motion by Commissioner Michie, seconded by Commissioner Anderson, the Commission unanimously elected Commissioner Mike Kehoe to the Board of Trustees of the MoDOT and Patrol Employees' Retirement System, replacing Commissioner McKenna.

\* \* \* \* \*

## **REPORTS OF COMMISSION COMMITTEES AND COMMISSION RELATED BOARDS**

The Commission has two committees: Audit and Legislative. In addition, it elects Commission representatives to two boards: Missouri Transportation Finance Corporation Board of Directors and MoDOT and Patrol Employees' Retirement System Board of Trustees.

**Legislative Committee** – Commissioner McKenna reported that various members of the General Assembly had filed bills related to each of the issues outlined in the Commission's legislative package. In an effort to be open and listen to transportation concerns, members of the Commission have been visiting with members of the legislature. MoDOT staff has been meeting with staff members of Missouri's Congressional delegation to relay specific state transportation needs.

**MoDOT and Patrol Employees' Retirement System Board of Trustees** – Commissioner Anderson reported the following:

- The Board of Trustees of the MoDOT and Patrol Employees' Retirement System will meet on March 30, 2006.
- The Consolidation Commission appointed by Governor Blunt to review the feasibility of combining the MoDOT and Patrol Employees' Retirement System (MPERS) with the Missouri State Employees' Retirement System (MOSERS) held its final meeting. As a result, the Consolidation Commission reported to the Governor that it was unable to reach a consensus on the consolidation issue.
- Legislation introduced to consolidate MPERS and MOSERS at the end of calendar year 2006 passed out of committee by a vote of 5 to 4.

Director Rahn expressed concern that consolidating the retirement systems would result in the loss of MoDOT's ability to manage the cost of the fund. He stated that the Board of Trustees of MPERS had implemented a proactive plan to improve the retirement system's funded status. The plan meets the funding needs but does not take an inordinate amount of funds away from the highway system.

\* \* \* \* \*

## **DIRECTOR'S REPORT**

**Participation of Economically Disadvantaged in I-64/40 Project** - Director Rahn reported that Julie Cunningham, Executive Director of the National Conference on Minority Transportation Officials, held meetings on February 20 and 21, 2006, with various parties involved in development of a workforce diversity plan for the Route I-64/40 reconstruction project. He was encouraged by the positive comments resulting from the meeting and the broad range of meeting participants. Ms. Cunningham will hold further meetings on March 10, 2006.

**Tracker** – Director Rahn reported that the *Tracker* document, which is used to track performance within MoDOT, is fully populated with the measurements. He commended Mara Campbell, Director of Organizational Results, for continually improving the quality of the measurements.

- Mr. Rahn pointed out that the Smooth and Unrestricted Roads and Bridges measurement in the *Tracker* reflects that 2,179 miles of the 2,192-mile Smooth Roads Initiative Program are under contract; 282 miles are complete.
- Another *Tracker* measurement indicates that MoDOT has worked diligently and successfully with the contractors to improve safety and traffic flow in construction work zones. Mr. Rahn reported that while the number of work zones exceeded 1,000 last year, there was a significant reduction in the number of crashes and fatalities within the work zones: 28 fatalities in 2004 compared to 15 in 2005; 3,483 crashes in 2004 compared to 2,955 in 2005.
- A third *Tracker* measurement indicated that 97 percent of the individuals calling MoDOT's customer service number felt they were responded to quickly; 99.5 percent felt they were dealt with in a personal and courteous manner; and 98.9 percent said they understood the response given by MoDOT. During the respective quarter, MoDOT received 196,000 contacts from the public.

**MoDOT Website and 2006 I-44 Work Zones in Missouri** – Director Rahn praised the staff for two specific communications tools: continuous improvement of the MoDOT website and the 2006 I-44 Work Zones in Missouri brochure.

\* \* \* \* \*

## **PUBLIC COMMENTS – SPOKESMAN ON BEHALF OF CARTER COUNTY RELAYING PERCEPTIONS OF MoDOT**

Speaking on behalf of Carter County, Mr. Gene Oakley, Presiding Commissioner of Carter County, advised the Commission that Carter County has a population of 5,900; over half of the land mass is owned or controlled by state or federal government. He said until the recent upgrade of Route 60 as a four-lane roadway through the county, the roads in Carter County had been substandard.



Mr. Oakley advised the Commission that 341 citizens had signed petitions asking that Route 21, a major north-south artery extending from Carter County into Ripley County, be resurfaced.

Mr. Oakley said that Routes 142, 160, and 60 had been in such poor condition that insurance companies had instructed their insured trucking companies not to travel on these routes, which resulted in many miles of adverse travel in order to get to Springfield. He said the improvement of Route 60 would bring additional tourists to Carter County; however, he said the improvement was being constructed in such a manner that access to businesses was being cut off. He noted that Carter County relies heavily on sales tax; therefore, reduced business from motorists has a greater negative impact on Carter County than would be experienced in more populated areas.

Mr. Oakley reported that Chief Engineer Kevin Keith had recently met with him to review specific roadway access and safety concerns. He said Mr. Keith had been very responsive, and he was pleased with the outcome of the visit.

Mr. Oakley stated that the citizens of Carter County have a negative impression of the Missouri Department of Transportation as a result of perceived extravagant or misuse of funds. By way of example, he cited (1) unusually wide medians with ground cover to accommodate the movement of bears; (2) interactive computer games on MoDOT's website; and (3) retaining Community Relations personnel in each of MoDOT's ten district offices.

Mr. Oakley expressed concern that public involvement in highway projects was minimal. He acknowledged that MoDOT holds public meetings; however, he felt additional effort was needed to ensure that community leaders were in attendance. He suggested that MoDOT directly contact mayors, police chiefs, school superintendents, local elected officials, etc., when

improvements are made in rural areas.

Mr. Oakley felt the Commission was too insulated from the views of rural Missourians, and he encouraged the members to make improvements in this area. He said that even though the Chief Engineer had addressed many of his concerns; he felt that the process of having the Chief Engineer review citizen concerns prior to scheduling time on the Commission's agenda was too restrictive.

In response to an inquiry of the staff from Commissioner Schramm regarding the habitat incorporated into highway designs for bears or like animal or plant species, Mr. Keith explained that the department was complying with environmental regulations as contained in the Environmental Impact Statement for the project.

The Commissioners thanked Mr. Oakley for his comments. The members agreed that seeking input from Missouri citizens on transportation improvements and explaining the reasons for actions taken by MoDOT are very important to the Commission and MoDOT staff and, therefore, efforts will continue to be made to improve communications.

\* \* \* \* \*

## **EXTERNAL AWARDS**

On behalf of the Director, Mara Campbell, Director of Organizational Results, presented an overview of external awards received by MoDOT. During calendar year 2005, MoDOT received 49 significant awards; the most recent awards included the following:

- The Women's Transportation Seminar's Rosa Parks Diversity Leadership Award – This award recognizes organizations for broad multicultural initiatives that change corporate culture and philosophy.
- The Governor's Award for Quality and Productivity – Process Improvement - This award reflects MoDOT's ability to compete with other state agencies in terms of productivity and quality. MoDOT was recognized as a leader in business excellence in the category of

process improvement. The Practical Design team earned the award by demonstrating improvements in quality design, while reducing costs and eliminating unnecessary steps.

- Federal Highway Administration National Roadway Safety Award – This award recognizes exemplary safety efforts and safety programs. The Blueprint for Public Safety and MoDOT's comprehensive safety plan received the award, and MoDOT was further recognized for its extensive and progressive safety program.
- American Council of Engineering Companies of Missouri Engineering Excellence Award - This award recognized MoDOT's Multimodal Division for the design and construction of automated weather observation stations at 13 Missouri airports. This innovation provides real-time weather information, which enhances flight safety.

Director Rahn noted that in order to be a leader in transportation and an advocate for transportation issues, MoDOT tracks awards to ensure it has credibility within the transportation industry. He said the number of awards is an indicator of the respect MoDOT is earning as an organization among engineering firms and the transportation industry.

The Commission commended MoDOT employees for their efforts leading to recognition from external sources.

\* \* \* \* \*

#### **MISSOURI ADVANCE PLANNING: A LONG-RANGE PLANNING INITIATIVE – UPDATE**

On behalf of the Director, Machele Watkins, Transportation Planning Director, and Eric Curtit, Long-Range Transportation Planning Coordinator, updated the Commission on the status of the Missouri Advance Planning (MAP) long-range planning initiative. The extensive public outreach portion of the MAP initiative will conclude on May 18, 2006. Outreach methods included customer surveys, stakeholder surveys, regional working groups, and website comments. Ms. Watkins emphasized that the intent of MAP is to be responsive and responsible to Missourians.

Mr. Curtit explained that the regional working groups are comprised of 120 community leaders with backgrounds in such fields as education, farming, and public service. He said the group reviewed data that will affect the transportation system over the next 20 years and identified the following issues:

1. Transportation choices, technology, and innovative management of the system will become increasingly important.
2. The highway and bridge system will become increasingly difficult to maintain in an acceptable condition.
3. Inland freight distribution is an economic opportunity requiring emphasis and coordination.
4. Improved coordination between land use and transportation decisions is needed.
5. Missouri's transportation funding resources are not adequate to meet current or future needs.

Mr. Curtit noted that the staff continues to look for innovative means to gather input from the public. One effort is an interactive game on MoDOT's website pertaining to allocating funds to the various transportation priorities. He said not only does the staff learn about the priorities of Missourians through the responses to the game, but it also provides an opportunity for the citizens to see the consequences of different allocation strategies. Mr. Rahn commended the staff for devising an innovative means to collect input from Missouri citizens who may not provide input through other traditional means. Mr. Curtit clarified that development of the interactive game was funded with federal funds designated for planning purposes; these funds are not available for use on road and bridge construction improvements.

Mr. Curtit said the staff is in the process of developing an implementation plan for the proposed long-range transportation policies, which will be presented to the Commission at its August 9, 2006, meeting.

The Commissioners commended the staff for its public outreach efforts and improvements to MoDOT's website. Commissioner Anderson further commended the staff for performing the tasks outlined above with minimal assistance from consultants. The Commission encouraged the staff to maintain records of citizens who participate in the transportation planning process.

Mr. Rahn noted that the staff was performing quality planning work in an expeditious manner. He stated that the results of their efforts would be extremely beneficial as MoDOT moves forward.

\* \* \* \* \*

## **AUDITS AND INVESTIGATIONS, 2005 ANNUAL REPORT**

On behalf of the Director, Bill Rogers, Director of Audits and Investigations, provided an overview of the 2005 Annual Report of Audits and Investigations.

Mr. Rogers pointed out that the investigations caseload increased 27 percent in 2005; grievances and Equal Employment Opportunity complaints increased 11 percent. He said many of the grievances over the last two years involved promotions, which he felt resulted from lack of pay increases.

Mr. Rogers stated that the external auditing staff had worked with the District Utility Engineers to create a statewide utility tracking database that will allow the staff to track utility relocations from the initial agreement to the final audit and project closeout. External audits resulted in the recovery of \$171,000 in overpayments.

Mr. Rogers noted that the internal auditing staff had streamlined the audit process resulting in a 60 percent increase in audits in 2005, which is more than in any previous year.

Mr. Rogers said in the upcoming year, his staff would be seeking to become a premier audit and investigative agency. The division will be focusing on mediation efforts to resolve conflicts at the lowest level. He said MoDOT would be experiencing one of the largest construction programs in its history in the next five years, making it a prime target for fraud, waste, and abuse. As a result, the Audits and Investigations Division will become more aggressive and proactive in protecting MoDOT taxpayer resources. He explained that the proactive approach would involve additional training for MoDOT employees in order to enhance skills to deter issues pertaining to fraud, waste, and abuse. He stressed prevention of fraud, waste, and abuse is a much wiser use of resources than attempting to recover damages or prosecute those who have violated the law. He noted that situations that are not deterred would be detected and investigated.

Mr. Roger commended his staff for their competence and dedication. He emphasized that his staff seeks to ensure that MoDOT is accountable and transparent to Missouri citizens.

Mr. Rahn stated that the intent of mediation is not an effort to dissuade employees from using the grievance process when they feel their issues have not been properly addressed. He further emphasized that an increase in the number of grievances should not be negatively perceived because employees are encouraged to pursue issues that they feel are unjust or unfair.

Commissioner Michie emphasized the importance of having safeguards in place to ensure integrity and accountability, and he and the other Commission members commended the Audits and Investigations staff members for their work.

\* \* \* \* \*

## CONSIDERATION OF BIDS ON FEDERAL-AID AND STATE PROJECTS

On behalf of the Director, Dave Nichols, Director of Project Development, presented the following recommendations pertaining to bids received by MoDOT on January 27, 2006, February 24, 2006, and March 3, 2006, and by the City of Joplin on February 23, 2006.

### Rescission of Action and Award of Contracts, January 27, 2006, Bid Opening

Mr. Nichols advised the Commission that following award of Call Nos. 412, 415, and 416 at the Commission's February 7, 2006, meeting, the low bidder, S.P.S.W. (Single Parents Strong Will), was unable to obtain performance bonds. Mr. Nichols recommended the Commission rescind its award of Call Nos. 412, 415, and 416 from the January 27, 2006, letting and award contracts on the respective projects to the second low bidders as noted in Table I below.

**Table I**

<b>Route County <u>Project</u></b>	<b><u>Bid Amount</u></b>	<b><u>Non- Contractual Costs</u></b>	<b><u>Contractor</u></b>
<b>Call 412</b> Jackson/Lafayette 24 J4M0164	\$25,911.12		Millgoal Enterprises II LLC Independence, MO
<b>Call 415</b> Ray 10 J4M0167	\$14,880.00		S & S Lawn Inc. Grain Valley, MO
<b>Call 416</b> Ray 13 J4M0168	\$14,220.00		S & S Lawn Inc. Grain Valley, MO

### Award of Contracts February 24, 2006, Bid Opening

Mr. Nichols stated that bids for road and bridge improvement projects had been received on February 24, 2006, and he recommended awards be made to the lowest responsive and

responsible bidders noted in Table II below.

**Table II**

<b><u>Route County Project</u></b>	<b><u>Bid Amount</u></b>	<b><u>Non- Contractual Costs</u></b>	<b><u>Contractor</u></b>
<b>Call 101</b> 136 Nodaway J1P0815	\$175,029.70	\$166.08	Loch Sand and Construction Co. Maryville, MO
<b>Call 102</b> A Buchanan J1S0808	164,116.14	448.48	Ideker, Inc. St. Joseph, MO
<b>Call 103</b> H Buchanan J1S0809	564,541.83		Ideker, Inc. St. Joseph, MO
<b>Call 301</b> C Lewis J3S0655	931,770.19	229.33	Bleigh Construction Company Hannibal, MO
<b>Call 303</b> HH Ralls J3S0504	327,893.29		R. L. Brink Corporation Quincy, IL
<b>Call 304</b> NN Pike J3S0634	503,428.55	102.60	Bleigh Construction Company Hannibal, MO
<b>Call 305</b> 61 Lincoln J3P0596C	10,550,000.00	2,096.55	Pace Construction Company St. Louis, MO
<b>Call 401</b> Various Various J4P1758	131,091.05		Vance Brothers, Inc. Kansas City, MO



<b>Call 402</b> Various Various J4P1759	170,185.60		Vance Brothers, Inc. Kansas City, MO
<b>Call 404</b> 69 Clay J4P1476	1,072,684.89	656.00	Ideker, Inc. St. Joseph, MO
<b>Call 405</b> 69 Clay J4P1476B	2,278,423.63	328.00	Ideker, Inc. St. Joseph, MO
<b>Call 406</b> 70 Jackson J4M0172	294,997.60		APAC-Kansas, Inc. Kansas City Division Overland Park, KS
<b>Call 409</b> 70 Jackson/Lafayette J1D0695B	1,037,915.85	656.00	APAC-Missouri, Inc. Columbia, MO
<b>Call 410</b> 9 Clay J1D0695A 435 Clay/Platte J1D0695C	1,444,697.80	288.00	Realm Construction, Inc. Blue Springs, MO
<b>Call 411</b> 70 Lafayette J1D0690O	2,154,845.44	656.00	APAC-Missouri, Inc. Columbia, MO
<b>Call 412</b> 435 Jackson J1D0690M	2,111,980.20	1,312.00	Superior Bowen Asphalt Company, L.L.C. Overland Park, KS

<b>Call 413</b> 35 Clay J1D0690N	2,295,010.50		Superior Bowen Asphalt Company, L.L.C. Overland Park, K S
<b>Call 414</b> 29/35 Various J1D0694G	387,176.26		Collins & Hermann, Inc. St. Louis, MO
<b>Call 501</b> 54 O.R. Cole J5P0909	61,241.60		Don Schnieders Excavating Company, Inc. Jefferson City, MO
<b>Call 502</b> AC Boone J5D0500I 740 Boone J5D0600E 163 Boone J5D0600F	1,569,030.54	2,624.00	Chester Bross Const. Co./ C. E. Equipment, Inc. Hannibal, MO
<b>Call 503</b> Various Various J1D0692B	204,783.92		Interstate Road Management Corp. Hazelton, PA
<b>Call 601</b> Various Various J1D0692C	755,958.30		Interstate Road Management Corp. Hazelton, PA
<b>Call 602</b> 44 Franklin J6I1508	6,652,608.04	1,833.80	Millstone Bangert, Inc. St. Charles, MO
<b>Call 603</b> P Jefferson J6S1594	393,755.55	269.80	N. B. West Contracting Company St. Louis, MO

<b>Call 604</b> 44 St. Louis City J6S1679	139,134.15	288.00	T.G.B., Inc. St. Louis, MO
<b>Call 606</b> T Franklin J6S1007	3,134,614.45	929.60	Don Schnieders Excavating Company Jefferson City, MO
<b>Call 607</b> 21 St. Louis/Jefferson J6P1616	1,500,000.00	288.00	Thomas Industrial Coatings, Inc. Pevely, MO
<b>Call 608</b> K Jefferson J6U1015	1,985,915.77	399.00	L. Krupp Construction, Inc. Ellisville, MO
<b>Call 609</b> 370 St. Louis J6P1621	429,640.60	144.00	KCI Construction Company St. Louis, MO
<b>Call 701</b> 249 Jasper J7U0436I 249 Jasper J7U0436K	29,167,954.25		APAC-Missouri, Inc. Columbia, MO
<b>Call 801</b> 86 Stone J8S0587 86 Stone J8S0664	1,501,944.39	9,803.84	APAC-Missouri, Inc. Columbia, MO
<b>Call 802</b> 44 Greene J1D0690Q	1,400,831.67	1,312.00	APAC-Missouri, Inc. Columbia, MO

<b>Call 803</b> 44 Laclede J1D0690S	327,062.80	656.00	APAC-Missouri, Inc. Columbia, MO
<b>Call X01</b> P Dunklin J0S0621	289,405.00		Joe's Bridge & Grading, Inc. Poplar Bluff, MO
<b>Call X02</b> 84/412/25 Dunklin J0P0936	584,244.05	1,312.00	Apex Paving Co. Cape Girardeau, MO
<b>Call X03</b> ZZ New Madrid J0S0832	222,474.00		R. L. Persons Construction, Inc. Poplar Bluff, MO
<b>Call X05</b> Various Various J1D0693B	3,981,326.05		D & S Fencing Company Festus, MO
<b>Call X06</b> 55 Various J1D0692H	55,079.52		Interstate Road Management Corp. Hazelton, PA
Total	<u>\$80,952,793.17</u>	<u>\$26,799.08</u>	

Construction speed limits conform to the standard work zone speed limits shown on Standard Drawing No. 616.10 as approved by the Commission.

### **Rejection of Bids, February 24, 2006, Bid Opening**

On behalf of the Director, Dave Nichols, Director of Program Delivery, advised the Commission that bids were received February 24, 2006, for the following projects. He recommended the bids be rejected because they were considered excessive.

**Table III**

<b>Route</b>	<b>County</b>	<b>Project</b>
<b>Call 201</b>		
41	Carroll	J2P0755
<b>Call 202</b>		
129	Linn	J2S0340
<b>Call 302</b>		
61	Clark	J3P0423C

**Award of Contracts – March 3, 2006, Bid Opening**

Mr. Nichols stated that bids for road and bridge improvement projects were received on March 3, 2006, and he recommended awards be made to the lowest responsive and responsible bidders noted in Table IV below.

**Table IV**

<b>Route County Project</b>	<b><u>Bid Amount</u></b>	<b><u>Non- Contractual Costs</u></b>	<b><u>Contractor</u></b>
<b>Call 401</b>			
470 Jackson J1D0693D	\$978,875.00		James H. Drew Corporation Indianapolis, IN
<b>Call 402</b>			
50 Jackson, Johnson J1D0693E	926,843.23		Mar-Jim Contracting, LLC Oak Grove, MO
<b>Call 403</b>			
71 Cass, Jackson J1D0693H	1,075,342.00		James H. Drew Corporation Indianapolis, IN
<b>Call 404</b>			
435 Clay, Platte J1D0693I	1,434,905.00		James H. Drew Corporation Indianapolis, IN

**Call 405**

29, 229                      1,260,369.00  
 Andrew, Atchison,  
 Buchanan, Holt  
 J1D0693J

James H. Drew Corporation  
 Indianapolis, IN

**Call 406**

35                              873,725.00  
 Clinton, Daviess  
 DeKalb, Harrison  
 J1D0693K

James H. Drew Corporation  
 Indianapolis, IN

Total                      \$6,550,059.23

**Concurrence in Award of Contract – City of Joplin February 23, 2006, Bid Opening**

Mr. Nichols advised that the City of Joplin had received bids on February 23, 2006, on the following project, and he recommended the Commission concur with the City of Joplin in awarding the contract to the following low bidder.

**Table V**

<b>Route County Project</b>	<b>Bid Description</b>	<b>Bid Amount</b>	<b>Contractor</b>
86 Newton J7P0796	Grading & Paving	\$130,378.50	Sprouls Construction, Inc. Lamar, MO

MoDOT is responsible for \$52,000.

**Commission Action**

After consideration and upon motion by Commissioner Michie, seconded by Commissioner Schramm, the Commission took the following action.

1. Rescinded action taken at the February 7, 2006, meeting awarding Job Nos. J4M0164, J4M0167, and J4M0168 (Call Nos. 412, 415, and 416 respectively) to S.P.S.W. (Single Parents Strong Will) of Richmond, MO, because the contractor was unable to secure a performance bond.
2. Determined the bids of S.P.S.W. (Single Parents Strong Will) received on January 27, 2006, to be non-responsive on Job Nos. J4M0164, J4M0167, and J4M0168 (Call Nos. 412, 415, and 416 respectively) and awarded the jobs to the second low bidder as noted in Table I.

3. Awarded contracts to the lowest responsive and responsible bidders for bids received on February 24, 2006, as recommended and noted in Tables II above. Non-contractual costs for these projects are shown on the above tabulation.
4. Rejected the bids received on February 24, 2006, listed in Table III above because they were considered to be excessive.
5. Awarded contracts to the lowest responsive and responsible bidders for bids received on March 3, 2006, as recommended and noted in Tables IV above.
6. Concurred in the award to the lowest responsive and responsible bidder for bids received by the City of Joplin on February 23, 2006, on Job No. J7P0796, Route 86, Newton County, as noted in Table V above.

In keeping with the Commission's Delegation of Authority to Execute Documents, the Director, Chief Engineer, Chief Financial Officer, or the Director of Program Delivery may execute the contracts awarded above.

\* \* \* \* \*

## **RATIFICATION AND APPROVAL OF RIGHT OF WAY PLANS FOR CONDEMNATION**

On behalf of the Director, Dave Nichols, Director of Program Delivery, recommended the Commission ratify the Chief Engineer's approval of the following right of way plans, which have been filed for condemnation.

<b><u>County</u></b>	<b><u>Route</u></b>	<b><u>Job Number</u></b>	<b><u>Date Commission Approved Design</u></b>
Marion/Ralls	36	J3P0412B	September 10, 2004

In accordance with Section 227.050 RSMo, the Commission, via approval of the Consent Agenda, approved the right of way plans for the above noted project and directed they be filed as necessary for the condemnation of right of way.

\* \* \* \* \*

## **ROADWAY LOCATION AND/OR DESIGN APPROVAL**

On behalf of the Director, District Engineers informed the Commission that preliminary plans and exhibits for the following projects were advertised for and/or presented at a public hearing.

**Route 63, Macon County  
From 0.5 Mile North of Route DD  
To North of the Intersection of Routes 63 and 36  
Job No. J2P0748**

**Public Hearing Held January 12, 2006**

This proposed improvement provides for adding new southbound lanes west of the existing roadway. New construction will consist of divided four-lane, undivided four-lane, and two-lane roadway with two-way center turn lanes. This project will have controlled access. Traffic will be maintained over the existing roadway during construction. This project is 3.9 miles in length.

Mr. Dan Niec, District 2 Engineer, recommended approval of the location and design as presented at the public hearing.

**Route 7, Cass County  
City Lake Road/163<sup>rd</sup> Street to Route VV  
and Cedar Street to Richland Street  
Job Nos. J4S1704 and J4S1705**

**Route VV, Cass County  
Intersection with Lexington Road  
Job No. J4S1706**

**Public Hearing Held January 10, 2006**

These proposed improvements are within the City of Pleasant Hill. Job No. J4S1704 consists of adding a 14-foot two-way left turn lane, sidewalks, curb and gutter, resurfacing and a closed drainage system on Route 7. The width of the roadway will be expanded from 24 feet to 36 feet; project length is 0.6 mile. Job No. J4S1705 consists of adding a 14-foot two-way left turn lane, sidewalks, curb and gutter and resurfacing a closed drainage system on Route 7. The width of the roadway will be expanded from 24 feet to 36 feet; project length is 0.3 mile. Job No. J4S1706 consists of intersection improvements at Lexington Road with a roundabout; project length is 0.2 mile. These projects will have normal access right of way. Traffic will be maintained over existing Route 7 during construction.



Ms. Beth Wright, District 4 Engineer, recommended approval of the location and design as presented at the public hearing with modifications during the design process to address entrances to homes and businesses.

**Route 69, Clay County  
From Route 169 to Route I-35  
Job Nos. J4P1393 and J4S1727  
Public Hearing Held December 15, 2005**

Job No. J4P1393 consists of resurfacing, pavement repair, shoulder rehabilitation, bridge rehabilitation, curb repair and installation of raised median from Holmes to Highland. Project J4S1727 consists of safety improvements at several locations along the length of the project. The projects will be constructed within existing right of way. Traffic will be maintained over the existing roadway during construction with lane closures and reduction as necessary. The length of these projects is 4.9 miles.

Ms. Beth Wright, District 4 Engineer, recommended approval of the design of the proposed project as presented at the public hearing.

**Route 160 (Campbell Avenue), Greene County  
Weaver Road  
Job No. J8S0758**

**Public Hearings Held February 27, 2001, and January 7, 2002**

This proposed improvement consists of constructing a new intersection at Route 160 and Weaver Road north of the existing intersection. The new intersection will provide dual left-turn lanes on all approaches and two through lanes on Weaver Road. This project will relocate and widen Weaver Road. This project will have controlled access. Traffic will be maintained through the existing intersection during construction of the new intersection. This project is 0.2 mile in length.

Mr. Dale Ricks, District 8 Engineer, recommended approval of the location and design as presented at the public hearings with modifications during the design process to minimize, where possible, the impact on property owners.

**Route 67, Wayne County  
2 Miles South of Greenville at Lake Wappapello  
Job No. J0P0931A  
No Public Hearing Held**

This proposed improvement provides a new four-lane bridge over the St. Francis River. The proposed bridge design includes four 12-foot lanes, two 4-foot inside shoulders, two 10-foot outside shoulders and one 5-foot pedestrian walkway to provide a crossing for pedestrian traffic at the Old Greenville Campground. This project will have controlled access. Traffic will be maintained over the existing roadway during construction. This project is 0.3 mile in length.

Mr. Mark Shelton, District 10 Engineer, recommended approval of the design of this project as advertised for public hearing.

After full consideration of the favorable and adverse economic, social, and environmental effects of the recommended designs, the Commission via approval of the Consent Agenda, unanimously found and determined the recommended designs would best serve the interest of the public and approved the recommendations.

\* \* \* \* \*

**BARATHAVEN TRANSPORTATION DEVELOPMENT DISTRICT,  
APPOINTMENT OF ADVISOR AND APPROVAL OF PROJECT**

On behalf of the Director, Ed Hassinger, District 6 Engineer, and Kirk Boyer, Resource Management Director, advised the Commission that as a result of petitions filed by Creek Valley, LLC, and Vantage Barathaven, LLC, with the Circuit Court of St. Charles County, the court, on January 26, 2006, ordered the formation of the Barathaven Transportation Development District for the purpose of funding construction of roads for residential and commercial development within the City of Dardenne Prairie. While the Commission does not own any real property within the proposed Transportation Development District, the

improvement includes access from Barathaven Boulevard to the outer road of Route 40 (state portion of the project), which will be on Commission right of way.

In keeping with Section 238.220(3) and Section 238.225(1), the Commission, via approval of the consent agenda, unanimously (1) appointed the District 6 District Engineer or his designee as the Commission advisor to the Barathaven Transportation Development District's board of directors and (2) found the state portion of the project to be a necessary and desirable extension of the state highway system, subject to the Transportation Development District making any revisions in the plans and specifications required by the Commission and subject to the Transportation Development District entering into a mutually satisfactory agreement with the Commission regarding development and future maintenance of the state portion of the project. The Commission has no financial participation in the project. In keeping with the Commission's Delegation of Authority to Execute Documents, the Director, Chief Engineer, Chief Financial Officer, or respective business unit director may execute the related agreements.

\* \* \* \* \*

**CRIPPLE CREEK TRANSPORTATION DEVELOPMENT DISTRICT,  
APPOINTMENT OF ADVISOR AND APPROVAL OF PROJECT**

On behalf of the Director, Mark Shelton, District 10 Engineer, and Kirk Boyer, Resource Management Director, advised the Commission that in response to a petition filed by Cripple Creek Real Estate, LLC, with the Circuit Court of Butler County, the court, on November 28, 2005, established the Cripple Creek Transportation Development District for the purpose of constructing roadway improvements to serve retail development contemplated within the district. The City of Poplar Bluff and Butler County are the local transportation authorities. The Commission does not own any real property within the proposed Transportation Development

District; however, the improvement includes construction of a portion of a connector road between Route PP and Route 67, Butler County, and construction of a signalized intersection at Route PP and the proposed connector road (state portion of the project), which will become part of the state highway system.

In keeping with Sections 238.220(3) and 238.225(1), RSMo, the Commission, via approval of the consent agenda, unanimously (1) appointed the District 10 District Engineer or his designee as the Commission advisor to the Cripple Creek Transportation Development District's board of directors and (2) found the state portion of the project to be a necessary and desirable extension of the state highway system, subject to the Transportation Development District making any revisions in the plans and specifications required by the Commission and subject to the Transportation Development District entering into a mutually satisfactory agreement with the Commission regarding development and future maintenance of the state portion of the project. The Commission has no financial participation in the project. In keeping with the Commission's Delegation of Authority to Execute Documents, the Director, Chief Engineer, Chief Financial Officer, or respective business unit director may execute the related agreements.

\* \* \* \* \*

**THE TUILERIES PLAZA TRANSPORTATION DEVELOPMENT DISTRICT,  
APPOINTMENT OF ADVISOR AND APPROVAL OF PROJECT**

On behalf of the Director, Beth Wright, District 4 Engineer, and Kirk Boyer, Resource Management Director, advised the Commission that in response to a petition filed by Prairieview Development, LLC, with the Circuit Court of Platte County, the court, on December 9, 2005, established the Tuileries Plaza Transportation Development District for the purpose of funding

transportation projects to facilitate development. The City of Kansas City is the local transportation authority. The Commission does not own any real property and no state roadway is located within the corporate boundaries of the Transportation Development District; however, the transportation project includes widening, addition of turn lanes, traffic signals and related intersection improvements at the intersection of Route 45 (NW 64<sup>th</sup> Street) and North Cosby Avenue (state portion of the project), which will become part of the state highway system.

Via approval of the consent agenda, the Commission unanimously (1) appointed the District 4 District Engineer or his designee as the Commission advisor to The Tuileries Plaza Transportation Development District's board of directors and (2) found the state portion of the project to be a necessary and desirable extension of the state highway system, subject to the Development District making any revisions in the plans and specifications required by the Commission and subject to the Development District entering into a mutually satisfactory agreement with the Commission regarding development and future maintenance of the state portion of the project. The Commission has no financial participation in the project. In keeping with the Commission's Delegation of Authority to Execute Documents, the Director, Chief Engineer, Chief Financial Officer, or respective business unit director may execute the related agreements.

\* \* \* \* \*

#### **AMENDMENT TO PAVEMENT MARKING CONTRACT**

On behalf of the Director, Don Hillis, Director of Systems Management, recommended approval of a contract amendment with the 3M Company in the amount of approximately \$2,600,000 for the purchase and installation of 3M's 380 pavement marking tape and revised services. This product is a sole source material available only from 3M Company. The

amendment extends the completion date of the contract to June 30, 2007, to allow the additional material to be installed. The amendment further provides for the Commission to be charged mobilization costs of \$1,500 if the contractor must return to the same section of road more than two times with a \$3,000 maximum mobilization cost per job.

Via approval of the consent agenda, the Commission unanimously approved the recommendation, authorized the Director or Chief Engineer to negotiate and approve additional supplemental agreements with 3M Company as needed to complete the Smooth Roads Initiative Program, and authorized the Director, Chief Engineer, or Chief Financial Officer to execute all contract amendments, subject to approval as to form by the Chief Counsel's Office.

\* \* \* \* \*

#### **FISCAL YEAR 2006 FINANCIAL AUDIT**

On behalf of the Director, James Deresinski, Controller, recommended approval of a First Supplement Agreement with BKD, LLP, to conduct the Fiscal Year 2006 audit of MoDOT's financial statements. The auditing firm agreed to conduct the audit for the same price as the previous year: a fixed fee of \$240,000 plus out of pocket expenses up to \$25,000.

Via approval of the consent agenda, the Commission unanimously approved the recommendation and authorized the Director, Chief Engineer, or Chief Financial Officer to execute the contract documents, subject to approval as to form by the Chief Counsel's Office.

\* \* \* \* \*

**BREAK IN ACCESS,  
ROUTE 141, JEFFERSON COUNTY**

On behalf of the Director, Ed Hassinger, District 6 Engineer, recommended approval of a request from the Jefferson County Commission to break limited access for the purpose of constructing a 20-foot wide right-in only entrance centered at the easterly right of way line opposite Station 209+74.82 on Route 141, Jefferson County. The proposed entrance is a non-arterial connection constructed to accommodate a commercial development and will not provide traffic relief to the state system; therefore, the request is outside the authority granted the MoDOT staff for approval of changes in access on limited access roadways (See February 13, 1997, Commission Meeting Minutes, "Policy – Changes in Access on Limited Access Roadways").

Because the value of improvements to be made by Jefferson County at the intersection of Schneider Road and Route 141 exceeds the value for the break in access, Mr. Hassinger recommended that compensation for the break be waived.

Via approval of the consent agenda, the Commission unanimously approved the request of Jefferson County and waived compensation as recommended by Mr. Hassinger.

\* \* \* \* \*

**DISPOSAL OF EXCESS PROPERTY, TANEY COUNTY,  
ROUTE 65**

On behalf of the Director, Dale Ricks, District 8 Engineer, recommended conveyance of Excess Parcel E8-0463, a 169.16-acre parcel adjacent to Route 65, Taney County, to Emory Creek Ranch, LLC, for \$760,500. The parcel was acquired in conjunction with Job No. J8P0208 and is held in fee simple title. Eight percent of the compensation will be paid to Louanne

Danner, the realtor who negotiated the sale.

Via approval of the consent agenda, the Commission unanimously approved the recommendation.

\* \* \* \* \*

**DISPOSAL OF EXCESS PROPERTY, ST. LOUIS COUNTY,  
ROUTE 61/67**

On behalf of the Director, Ed Hassinger, District 6 Engineer, recommended conveyance of Excess Parcel E6-26849, a 1.188-acre parcel adjacent to Route 61/67, St. Louis County, to Davis Street Land Company of Missouri, LLC, for \$1,188,400 and construction of a right-turn lane on Route 61/67 to eliminate the existing U-turn. Construction costs, to be paid by Davis Street Land Company, LLC, are estimated to be \$105,600. The parcel was acquired in conjunction with Job No. J6-U-61-1 and is held in fee simple title. The subject parcel is considered to be non-stand alone, with the highest and best use as assemblage. Davis Street Land Company of Missouri is the only abutter.

Via approval of the consent agenda, the Commission unanimously approved the recommendation.

\* \* \* \* \*



## **--- REPORTS ---**

### **FINANCIAL REPORT – FISCAL YEAR 2006**

Roberta Broeker, Chief Financial Officer, presented the Financial Report for the seven months ended January 31, 2006, with budget and prior year comparisons.

\* \* \* \* \*

### **FISCAL YEAR 2006 BUDGET, SEMI-ANNUAL REPORTS**

In keeping with Commission authority granted to the staff on June 10, 2005, to expend funds in keeping with MoDOT's Fiscal Year 2006 Operating Budget, Dave DeWitt, Deputy Administrative Officer, and Mike Miller, Information Systems Director, presented the following semi-annual reports covering the period extending from July 1, 2005, through December 31, 2005.

**Capital Improvements Program** – Of the total \$12,703,500 Capital Improvement Budget, expenditures and commitments total \$8,386,336, leaving a balance of \$4,317,164. The report included funds expended on each project.

**Equipment Replacements** – Of the \$24,630,352 budgeted for equipment replacement, \$7,617,170 has been expended. The report included a tabulation of the items purchased and aggregate cost.

**Routinely Bid Goods and Services** – A tabulation of contracts for routinely bid goods and services that exceeded \$200,000 was included in the report.

**Information Systems – Professional Services, Service Contracts, and Equipment Purchases Plan** – Of the total Information Systems budget of \$35,502,736, \$8,560,443 has been expended and \$9,438,042.24 encumbered, leaving a balance of \$17,504,250.76. The report included a tabulation of each major category of expenditures.

\* \* \* \* \*

\* \* \* \* \*

By unanimous consensus of all members present, the meeting of the Commission  
adjourned.

\* \* \* \* \*